

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on February 22, 2007 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)

**Members Excused:** None.

**Members Absent:** Rep. John Ward (R)

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 718, HB 722, HB 723, HB 775, HB 742, HB 751, 2/15/2007  
Executive Action: HB 648, HB 718, HB 722, HB 751, HB 775, HB 723, HB 742, HB 629, HB 625

**HEARING ON HB 751**

**Opening Statement by Sponsor:**

00:01:39 Rep. Ron Stoker (R), HD 87, opened the hearing on HB 751, Revise law on parole revocation.

**Proponents' Testimony:**

00:02:56 Ron Alsbury, Adult Probation and Parole Division,  
Department of Corrections, State of Montana

00:04:48 Mike Weber, Richland county Attorney, President,  
Montana County Attorneys Association

**Opponents' Testimony:**

00:08:29 Dorothy McCarter, District Court Judge, First Judicial  
District, Montana District Court Judges Association,  
Helena, Montana

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:11:02 Rep. Gallik

00:11:41 Judge McCarter

00:12:04 Rep. Cordier

**Closing by Sponsor:**

00:14:15 Rep. Stoker

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**HEARING ON HB 723**

**Opening Statement by Sponsor:**

00:18:22 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 723, Revise statutes governing county drinking and driving prevention programs.

**EXHIBIT(juh40a01)**

**Proponents' Testimony:**

00:21:27 Mike Weber, Richland County Attorney, President,  
Montana County Attorneys Association

00:22:07 Harold Blattie, Executive Director, Montana Association  
of Counties

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:22:55 Rep. Gallik

00:23:17 Mr. Weber

**Closing by Sponsor:**

00:24:52 Rep. Arntzen

**HEARING ON HB 722**

**Opening Statement by Sponsor:**

00:25:36 Rep. Joey Jayne (D), HD 15, opened the hearing on HB 722, Require justice courts to be courts of record.

**Proponents' Testimony:**

00:33:25 Rep. Jack Wells, HD 69

**Opponents' Testimony:**

00:37:04 Harold Blattie, Executive Director, Montana Association of Counties

00:40:02 Gary A. Olsen, Justice of the Peace, Broadwater County, City Judge, Townsend, Montana, Montana Magistrates Association

00:45:32 Cynthia Johnson, Pondera County Commissioner, Vice-President, Montana Association of Counties

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:46:59 Rep. Cordier

00:47:40 Mr. Olsen

00:48:09 Rep. Gallik

00:49:01 Rep. Jayne

00:51:29 Rep. Peterson

00:53:37 Rep. Jayne

**Closing by Sponsor:**

00:53:49 Rep. Jayne\_\_\_\_\_

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**HEARING ON HB 742**

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**Opening Statement by Sponsor:**

00:56:48 Rep. Holly Raser (D), HD 98, opened the hearing on HB 742, Revise law on testimony of disabled person in abuse and neglect case.

**[EXHIBIT\(juh40a02\)](#)**

**Proponents' Testimony:**

01:03:44 Rep. John Parker, HD 23

01:07:36 John Connor, Chief Criminal Prosecutor, Assistant Attorney General, Department of Justice, State of Montana

01:16:10 Anita Rossmann, Attorney, Montana Advocacy Program

**[EXHIBIT\(juh40a03\)](#)**

01:17:57 Mike Weber, Richland County Attorney, President, Montana County Attorneys Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:19:14 Rep. Stoker

01:19:35 Mr. Connor

01:20:08 Rep. Peterson

01:22:14 Mr. Connor

01:23:51 Rep. Gallik

01:24:04 Mr. Connor

**Closing by Sponsor:**

01:28:22 Rep. Raser

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**HEARING ON HB 718**

**Opening Statement by Sponsor:**

01:29:07 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 718, Create restricted mail registry.

**Proponents' Testimony:**

01:33:36 Cort Jensen, Department of Justice

**Opponents' Testimony:**

01:33:13 Ross Cannon, Attorney

[\*\*EXHIBIT\(juh40a04\)\*\*](#)

[\*\*EXHIBIT\(juh40a05\)\*\*](#)

Exhibits mailed/faxed to the Committee members

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:34:08 Rep. Wlmer

**EXECUTIVE ACTION ON HB 718**

01:34:21 **Motion/Vote:** Rep. Stoker moved that **HB 718 BE TABLED**. Motion carried unanimously by voice vote. Rep. Ward voted by proxy.

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**HEARING ON HB 775**

**Opening Statement by Sponsor:**

01:34:47 Rep. Rick Jore (C), HD 12, opened the hearing on HB 775, Revise forfeiture law.

[\*\*EXHIBIT\(juh40a06\)\*\*](#)

**Proponents' Testimony:**

01:39:11 Doug Nulle, Attorney

01:42:09 Steve Turkiewicz, Montana Bankers Association

01:43:38 Bruce Spencer, Montana Automobile Dealers

**Opponents' Testimony:**

01:44:06 John Connor, Chief Criminal Prosecutor, Assistant  
Attorney General, Department of Justice, State of  
Montana

01:47:55 Mike Batista, Administrator, Criminal Investigator  
Division, Department of Justice, State of Montana

01:49:42 George Harris, Executor Director, Board of Livestock

01:51:21 Jim Kembel, Montana Association Chiefs of Police,  
Montana Police Protective Association

01:52:09 Sheryl Liedle, Sheriff, Lewis and Clark County,  
President, Montana Sheriffs and Peace Officers  
Association

01:53:54 Mike Weber, Richland County Attorney, President,  
Montana County Association

01:57:26 Marty Ludemann, Capitan, Missoula Police Department

01:59:02 Craig Campbell, Executor Director, Montana Cops  
Association, Police Officer, Helena, Montana, Missouri  
River Drug Task Force

02:01:46 Dan Springer, Commander, Missouri River Drug Task Force

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:03:26 Rep. French

02:03:59 Sheriff Liedle

02:04:49 Mr. Springer

02:06:53 Rep. Kottel

02:07:26 Mr. Weber

02:11:11 Rep. Jore

02:13:01 Rep. Cordier

02:13:54 Mr. Campbell

02:17:14 Rep. Peterson

02:19:07 Rep. Stoker

02:19:38 Sheriff Liedle

02:19:50 Rep. Rice

02:20:04 Mr. Batista

**Closing by Sponsor:**

02:24:22 Rep. Jore

02:26:23 Break

02:39:56 Reconvene

**EXECUTIVE ACTION ON HB 723**

02:40:44 **Motion:** Rep. Everett moved that **HB 723 DO PASS.**

**Discussion:**

02:41:40 Rep. Stoker

02:41:53 Rep. Rice

02:42:12 Rep. French

02:42:54 Rep. Gallik

02:43:28 **Vote:** Motion that **HB 723 DO PASS** carried 14-3 by roll call vote with Reps. Koopman, Jore and Rice voting no. Reps. Koopman, O'Hara and Ward voted by proxy.

**EXECUTIVE ACTION ON HB 722**

02:45:45 **Motion:** Rep. Everett moved that **HB 722 DO PASS.**

**Discussion:**

02:45:54 Rep. Ebinger

02:46:14 Rep. Stoker

02:46:38 Rep. Cordier

02:47:35 Rep. Peterson

02:47:53 Rep. Everett

02:48:10 **Vote:** Motion that HB 722 **DO PASS** failed 0-17 by roll call vote. Reps. Koopman and Ward voted by proxy.

02:48:46 **Motion/Vote:** Rep. Stoker moved that **HB 722 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 775**

02:49:33 **Motion:** Rep. Jore moved that **HB 775 DO PASS.**

**Discussion:**

02:49:50 Rep. Stoker

02:50:33 Rep. Peterson

02:51:14 Rep. Kottel

02:51:53 Rep. Cordier

02:52:07 Rep. Jore

02:52:59 Rep. Rice

02:52:43 **Vote:** Motion that **HB 775 DO PASS** failed 3-14 by roll call vote with Reps. Koopman, Jore and Rice voting aye. Reps. Koopman, Ward, and McGillvray voted by proxy.

02:54:03 **Motion/Vote:** Rep. Stoker moved that **HB 775 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 742**

02:54:56 **Motion:** Rep. Raser moved that **HB 742 DO PASS**.

**Discussion:**

02:55:05 **Motion:** Rep. Raser moved that **HB 742 BE AMENDED. TO DELETE ON PAGE 3, LINES 19-22, and INSERT ON PAGE 3 LINE 18 "...TESTIMONIAL TYPE STATEMENT..."**

02:55:13 David Niss, Legislative Services

02:56:20 **Vote:** Motion that **HB 742 BE AMENDED** carried unanimously by voice vote. Reps. Ward, Koopman and McGillvray voted by proxy.

02:56:30 **Motion:** Rep. Stoker moved that **HB 742 DO PASS AS AMENDED**.

**Discussion:**

02:56:39 Rep. Gallik

02:58:10 Rep. Peterson

02:59:18 Rep. Raser

02:59:54 Rep. French

03:00:21 **Vote:** Motion that **HB 742 DO PASS AS AMENDED** carried 11-6 by roll call vote with Reps. Stoker, Everett, Koopman, McGillvray, Jore, and Rice voting no. Reps. Koopman, McGillvray and Ward voted by proxy.



**EXECUTIVE ACTION ON HB 629**

03:02:28 Chairman Rice

**EXHIBIT**(juh40a07)

03:02:44 **Motion:** Rep. Raser moved that **HB 629 DO PASS AS AMENDED**. (Previous Executive Action on 2/15/07.)

**Discussion:**

03:03:32 Rep. Kottel

03:05:58 Rep. Peterson

03:06:08 **Vote:** Motion that **HB 629 DO PASS AS AMENDED** carried 10-7 by roll call vote with Reps. Stoker, Koopman, Peterson, McGillvray, Ward, Jore, and Rice voting no. Reps. Koopman, McGillvray and Ward voted by proxy.

**EXECUTIVE ACTION ON HB 751**

03:07:32 **Motion:** Rep. Stoker moved that **HB 751 DO PASS**.

**Discussion:**

03:07:44 Rep. Gallik

03:09:02 Rep. Kerns

03:09:20 Rep. Peterson

03:10:18 Rep. Gallik

03:11:12 Rep. French

03:11:41 Rep. Cordier

03:13:14 Rep. Stoker

03:14:23 **Vote:** Motion that **HB 751 DO PASS** failed 8-9 by roll call vote with Reps. Stoker, French, Everett, Raser, Kerns, O'Hara, Kottel, and Ebinger voting aye. Reps. Koopman, McGillvray and Ward voted by proxy.

03:15:05 **Motion/Vote:** Rep. Stoker moved that **HB 751 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 648**

03:16:14 **Motion:** Rep. Stoker moved that **HB 648 DO PASS.**

**Discussion:**

03:16:26 Rep. Peterson

03:17:14 Rep. Gallik

03:17:41 Rep. Raser

03:18:18 Rep. Kottel

03:19:23 Rep. Rice

03:20:10 **Vote:** Motion that **HB 648 DO PASS** failed 6-11 by roll call vote with Reps. Stoker, Raser, Kerns, Driscoll, O'Hara and Ward voted aye. Reps. Koopman and Ward voted by proxy.

03:20:58 **Motion/Vote:** Rep. Stoker moved that **HB 648 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 695**

03:21:22 **Motion:** Rep. McGillvray moved that **HB 695 DO PASS.**

03:21:33 **Motion:** Rep. McGillvray moved that **HB 695 BE AMENDED.**  
**EXHIBIT(juh40a08)**

**Discussion:**

03:22:19 Rep. Peterson

03:22:38 **Vote:** Motion that **HB 695 BE AMENDED** carried unanimously by voice vote. Reps. Ward and Koopman voted by proxy.

03:22:49 **Motion:** Rep. McGillvray moved that **HB 695 DO PASS AS AMENDED.**

**Discussion:**

03:23:04 Rep. Peterson

03:26:27 Rep. McGillvray

03:28:23 Rep. French

03:29:09 Rep. Gallik

03:32:30 Rep. French

03:32:42 Rep. Everett

03:33:14 Rep. Koopman

03:35:35 Rep. Kottel

03:40:45 Rep. French

03:42:26 Rep. Gallik

03:45:12 Rep. McGillvray

03:46:11 Rep. Peterson

03:48:12 **Vote:** Motion that **HB 695 DO PASS AS AMENDED** carried 9-8 by roll call vote with Reps. Gallik, Raser, Cordier, Kerns Driscoll, Peterson, Kottel, and Ebinger voting no. Rep. Ward voted by proxy.

**ADJOURNMENT**

Adjournment: 11:52 A.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh40aad.pdf](#))**